

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Worksheet Results Summary

Total responses received: 13

Four task force members participated. Co-chairs who are facilitating task force operations and compiling final report did not participate.

This task force is information gathering only. Full responses will be submitted with the final report. The Joint Legislative Oversight and Sunset Committee (“JLOSC”) will meet in January 2020 to review the final report.

Tabled Recommendation	JLOSC should NOT consider	JLOSC should consider as written	JLOSC should consider WITH modifications
Rec. 2 – General Statutory Updates & Technical Corrections	1	10	2
Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code	1	10	2
Rec. 4 – Publish By-laws	0	10	3
Rec. 5 – Council of the Blind By-law Requirement	1	9	3

Final Report Participation Deadline: Friday, November 8, 2019

If you did not submit a response you may do so by the final report participation deadline. Blank worksheets are on the task force website, Survey Monkey option is available (can be anonymous), or you may submit written comments to the task force co-chairs.

Task force website: <https://bit.ly/2H0lhWC>

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Worksheet (Response Summary)

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- a. Make technical corrections to DVI's entire governing statute, including Chapter 79, Title 29; Chapter 21, Title 31; and braille literacy rights and education in Chapter 2, Title 14.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

Survey Responses:

JLOSC should NOT consider: 1

JLOSC should consider as written: 10

JLOSC should consider WITH modifications: 2

JLOSC should consider with modifications

2 out of 13 respondents selected this option, response summary:

- 2a is vague since the "technical" corrections and reference to braille literacy rights are not specified, respondent would like changes fully outlined in order to understand what changes are proposed.
- 2b and 2c should be stricken from Recommendation 2 and should be referenced separately in by-laws which would address these items.

JLOSC should not consider

1 out of 13 respondents selected this option, response summary:

- Respondent did not include comments on why JLOSC should not consider this tabled recommendation.

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Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI’s request:

- a. The Committee will sponsor a bill to remove all references to the DIB from the Delaware Code, including § 7929, Title 29 and § 9605, Title 16.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

Survey Responses:

JLOSC should NOT consider: 1

JLOSC should consider as written: 10

JLOSC should consider WITH modifications: 2

JLOSC should consider with modifications

2 out of 13 respondents selected this option, response summary:

- As long as the modifications are not retrospective. When the reference to “remove all references to the DIB from the Delaware Code” DIB should be administered with great care to apply that deletion of DIB after March 2017. DIB did exist in the State of Delaware. It should remain in historic documentation. The deletion should only serve to show the entity is no longer in existence and DVI will no longer be responsible for DIB or any monetary debt DIB accrued during its existence.
- JLOSC should consider this only after a full investigation and audit has been completed by the comptroller’s office on the fiduciary activities concerning the administration of, finances surrounding, and overall operation which led to the closure of DIB, including HR related hiring, firing, forced retirement, and worker displacement. If there are no internal resources available, JLOSC shall contract with a third-party auditor to complete this assessment.

JLOSC should not consider

1 out of 13 respondents selected this option, response summary:

- It should be reopened and kept it in the Del Code. This was a resource for unemployment.

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Rec. 4 – Publish By-laws:

DVI shall post on its website all by-laws for advisory councils and committees that serve DVI, specifically for the Independent Living Advisory Committee (“ILAC”) and Committee of Blind Vendors.

Survey Responses:

JLOSC should NOT consider: 0

JLOSC should consider as written: 10

JLOSC should consider WITH modifications: 3

JLOSC should consider with modifications

3 out of 13 respondents selected this option, response summary:

- DVI shall post on its website all by-laws for advisory councils that serve as overseer and/or advisory to the Agency; and Committees that serve under the umbrella and jurisdiction of the Agency.
- If the ILAC and BVC need to be mentioned, it should mention all the committees and councils.
- JLOSC should add to this provision that DVI shall complete this posting in all accessible formats for download on the website, in addition to DVI making copies available at the Biggs Building and at the next two (2) in person town hall meetings.
- All by-laws should be posted.

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Worksheet (Response Summary)

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

Survey Responses:

JLOSC should NOT consider: 1

JLOSC should consider as written: 9

JLOSC should consider WITH modifications: 3

JLOSC should consider with modifications

3 out of 13 respondents selected this option, response summary:

- After creation, the by-laws should be posted to DVI's website.
- The Council's main function is to oversee DVI and advise DVI's Director; therefore, DVI is not authorized to "direct" the Council. The Sunset Committee (or the Governor's Office) should direct the Council of the Blind to create and finalize by-laws.
- The Council has no issue with developing by-laws and will be prepared by the time the JLOSC meets next on this DVI recommendations.
- There should be a definitive line between the two entities. The Governor's Advisory Council on the Blind ("GACB") functions in an advisory position over the Agency. It cannot be considered under the umbrella or a subsidiary of the Agency. In such a circumstance, the GACB would have no jurisdiction over the Agency nor be recognized by DVI or its Director as an advisor.
- The Council's name should be legally changed from Council on the Blind to the Governor's Advisory Council on the Blind.
- The Council on the Blind is an "advisory" Council appointed by the Governor. Indeed, in every document after the establishment of the Council of the Blind, subsequent State Law modifications refer to this Council as the "Governor's Advisory Council on the Blind."

- This tabled recommendation is neither specific nor measurable. There should be a reasonable date requirement attached to this recommendation (i.e. by the end of the 2020 Federal fiscal year).
- The Council has been resistant to this. Some of the members think the charter/description of the council is equivalent to bi-laws. The charter is their mission. The by-laws describe how to run the council.

JLOSC should not consider

1 out of 13 respondents selected this option, response summary:

- Respondent did not include comments on why JLOSC should not consider this tabled recommendation.